Powell Backs Regulated Wiretapping to

Virginia attorney Lewis F. Powell Jr., nominated to the Supreme Court, said in a letter released yesterday that carefully regulated wiretapping was essential in the fight against organized crime.

Powell wrote Sen. Birch Bayh (D-Ind.) that as a member of the national crime commission he became convinced of the need for legislation to outlaw all private, unauthorized surveillance and to allow, under carefully prescribed safeguards, court-ordered surveillance in specified criminal cases.

"It is essential both to protect the public against unauthorized wiretaps and bugging and to give law enforcement a better opportunity to combat the scourge of organized crime—a type of crime which preys primarily upon the ignorant, the afflicted and the impoverished," Powell said.

Public confirmation hearings on the nominations of Powell and Assistant General William H. Rehnquist will begin in the Senate next Wednesday.

Sen. Harry F. Byrd Jr. (Ind.-Va.) escorted Powell around Capitol Hill yesterday. Powell is making customary courtesy calls on members of the Senate Judiciary Committee and other senators in advance of the confirmation hearing.

Rehnquist has similar appointments with members of the committee.

In a "Dear Birch" letter, Powell said Attorney General John N. Mitchell had asked him to provide copies of speeches and articles he had made in recent years.

He sent copies of two speeches and one article to Bayh "in view of your special

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interest in the subject of electronic surveillance."

On the question of wiretapping in cases of national security and internal subversion, Powell said he has not made a full analysis.

But he said he had expressed his general judgment, in a talk to the Richmond, Va., Bar Association and in an article for the Richmond Times-Dispatch, "that it is now extremely difficult to distinguish between foreign and domestic threats to our democratic institutions.

"What the precise and best answer to this perplexing problem should be, I cannot say at this time. At the same time, I have always been a strong supporter of the First Amendment freedoms of speech and press, and it is clear to me that those rights must also be zealously guarded."

Powell said it would be inappropriate for him to expand on his views "in view of the probability that these and related issues will come before the court."